

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the following remarks.

The Applicants acknowledge with appreciation the indication in the Office Action that claims 46, 47 and 55-57 are directed to allowable subject matter if claims 46 and 55 were placed in independent form. The Applicants have not amended the claims in this manner, because they believe independent claims 38 and 61 are allowable for reason given below.

The claims are amended herein for clarity. These amendments are deemed to be non-narrowing, and thus no estoppel should be considered to attach thereto. Therefore, the amendments are deemed as not raising new issues and it is submitted that these amendments should be entered under the provision of 37 CFR 1.116.

Regarding the objection to the specification amendments of January 13, 2011, it is noted that this objection refers to language “applicable to E-DCH.” However, the amendments did not contain this language but instead contained the language “applicable to individual HARQ processes.” The specification amendments “applicable to individual HARQ processes” were withdrawn in the supplemental response filed February 28, 2011. Accordingly, the present specification objection is not understood and withdrawal thereof is respectfully requested.

Claims 38-41, 44, 45, 48-54, 59, 61 and 63 stand rejected under 35 USC §103(a), as being unpatentable over Ranta-Aho et al. (US 2005/0048975) in view of Tiedmann et al. (US 2005/0047771). Dependent claims 42, 43 and 58 stand rejected under 35 USC §103(a), as being unpatentable over Ranta-Aho et al. (US 2005/0048975) in view of Tiedmann et al. (US 2005/0047771) and Legg et al. (US 6 414 947). Dependent claim 75 stands rejected stand

rejected under 35 USC §103(a), as being unpatentable over Ranta-Aho et al. (US 2005/0048975) in view of Tiedemann et al. (US 2005/0047771) and Love et al. (US 2004/0219920). The Applicants respectfully traverse these rejections based on the points set forth below.

The Office Action no longer relies on Applicants' Admitted Prior Art presumably due to deletion of reference to HARQ processes in the Amendment filed February 28, 2011.

With respect to technical differences between the claimed invention and Ranta-Aho et al. in view of Tiedemann et al., these differences have been set forth in detail in the response filed June 10, 2009 to the Office Action of March 10, 2009 and the response filed October 27, 2009 to the Office Action of July 27, 2009.

The Office Action at page 5, lines 3-6 acknowledges that Ranta-Aho et al. lacks any disclosure of transmitting from a scheduling base station to another base station information on the applicability of allocated maximum amount of uplink resources wherein scheduling is based on the information received from the scheduling base station.

The Office Action at page 5, lines 6 et seq. relies on Tiedemann et al. as allegedly curing the above-noted deficiency of Ranta-Aho et al.

However, it is noted that Tiedemann et al. merely disclose that BS 704 and BS 706 communicate with one another regarding coupled load indicator 710 and expected coupled load 712, and BS 706 manages uplink transmissions of another MS served by BS 706 by using expected available capacity determined based on expected coupled load 712 received from BS 704. Tiedemann et al.'s teaching of communication of coupled load information among base stations would never have suggested to a person skilled in the art to modify Ranta-Aho et al.'s system such that the maximum allowed rate of uplink would be transmitted by one Node B to

another Node B to assist that other Node B in scheduling another MS. Further, Tiedemann does not disclose that a base station sends scheduled uplink resource information to another base station, but merely coupled load information. Tiedemann et al.'s teaching of communication of load information among base stations would not suggest a scheduling base station sharing among base stations information relating to a particular UE's maximum allowed rate of uplink, as in the Applicants' claimed invention.

More particularly, while paragraphs [0040] to [0043] of Tiedemann et al. appear to indicate that the "coupled loads" may be indeed provided from the non-serving base stations to the serving base station for calculating the "expected coupled load," as stated in paragraph [0041] of Tiedemann et al. the "coupled load" may indicate the energy-per-chip-to-noise-plus-interference ratio (E_{cp}/N_t), where E_{cp} represents the energy per pilot signal chip or the speed of a mobile station as indicated in paragraph [0040]. Likewise, also paragraph [0043] states that

"the expected coupled load 712, therefore, is based on the measured E_{cp}/N_t at the non-serving base station 704, the reverse link transmission power on control and voice channels, and the data rate on the traffic channel of the mobile station 702 in the first exemplary embodiment. The expected coupled load 712, however, may represent other values in some circumstances. For example, the expected coupled load 712 may represent an expected change in the coupled load that will be experienced at the non-serving base station as compared to a previous transmission."

Hence, in comparing Tiedemann et al. to the subject matter as recited in the Applicants' claims as amended herein, the "coupled load" or "estimated coupled load" is not comparable to the "amount of information" allocated to an individual user equipment as in the Applicants' claimed invention. Neither the speed of a mobile station or the energy-per-chip-to-noise-plus-interference ratio (i.e. a ratio indicative of the interference) yields the actual amount of resources

that has been allocated to the respective mobile station. Hence, even if the teachings of Rantha-Aho et al. and Tiedemann et al. were combined, the result would fail to teach or suggest the instant claimed subject matter of "scheduling information for the mobile terminal indicative of an maximum amount of uplink resources allocated to the mobile terminal" and "transmitting ... the scheduling information to at least one other base station of said plurality of base stations"

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

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